
Remarks

Claims 1, 14, 26, 31, 53-56, and 58 are amended. Claims 1-3, 5-8, 11-12, 14, 16-17, 19-22, 24, 26-28, 30-44, 47-49, and 51-64 are pending.

In the Decision on Appeal, the Board reversed the rejection of claims 1-8, 11-12, 14, 16-17, 19-22, 24, 26-28, 30-44, and 47-58 under 35 U.S.C. § 112(1) and the rejection of claims 4-6, 19-20, 33-34, 37-44, 47-48, 50-51, 54, and 56-57 under 35 U.S.C. § 103(a) over Oliver et al. (WO 97/35472). Claim 4, which was dependent on claim 1 at the time of the Appeal, is directed to a cryopreservation medium containing arabinogalactan, a biological or functional equivalent thereof, a cryoprotective agent that penetrates the cell membrane, and freshly isolated lymphocytes, hematopoietic stem cells or lymphocytes which are modified *ex vivo*.

In the *Ex Parte Quayle* action mailed October 25, 2005, the Examiner states that Applicant is required to cancel the rejected claims (1-3, 7-8, 11-12, 14, 16, 16[sic], 21-22, 24, 26-28, 30-32, 35-36, 49, 52-53, 55, and 58) and to rewrite claims 4-6, 19-20, 33-34, 37-44, 47-48, 50-51, 54, 56 and 56[sic] in independent form.

This requirement is unclear to Applicant's Representatives, as the Amendment filed on April 26, 2005 amended independent claims 1, 14, 26, 31, 53, 55, and 58 to incorporate the subject matter recited in claim 4, i.e., a cryoprotective agent that penetrates the cell membrane, and canceled claim 4. Moreover, claims 37, 54, 56 and 57 were already in independent form.

AMENDMENT IN RESPONSE TO EX PARTE QUAYLE ACTION

Serial Number: 09/458,862

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Title: COMPOSITIONS AND METHODS FOR CRYOPRESERVATION OF PERIPHERAL BLOOD LYMPHOCYTES

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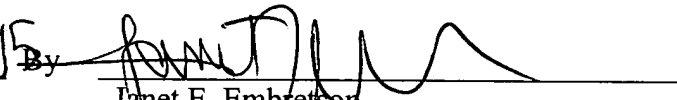
Therefore, the pending claims are in condition for allowance and notification to that effect is respectfully requested.

Respectfully submitted,

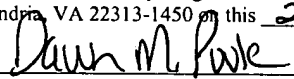
ALLISON HUBEL,


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Date December 21, 2005 By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of December, 2005.


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